

FEBRUARY 16, 1839.

Read twice, and committed to the Committee of the Whole House on the state of the Union.

Mr. ADAMS, from the Joint Committee on the Smithsonian Fund, reported the following bill :

## **A BILL**

To provide for the disposal and management of the fund bequeathed by James Smithson to the United States, for the establishment of an institution for the increase and diffusion of knowledge among men.

1 *Be it enacted by the Senate and House of Representatives*  
2 *of the United States of America in Congress assembled, That*  
3 the Vice President of the United States, the Chief Justice of  
4 the United States, the Secretaries of State and of the Treas-  
5 ury, the Attorney General of the United States, and the  
6 Mayor of the city of Washington, all during the time when  
7 they shall hold their respective offices, together with three  
8 members of the Senate and four members of the House of  
9 Representatives, to be annually elected by their respective  
10 Houses on the fourth Wednesday of December, shall be, and  
11 and hereby are, constituted a body politic and corporate, by  
12 the style and title of the Trustees of the Smithsonian Insti-  
13 tution for the Increase and Diffusion of Knowledge among  
14 Men, with perpetual succession, and the usual powers, duties,  
15 and liabilities incident to corporations.

1        SEC. 2. *And be it further enacted,* That the corporation  
2 so constituted, shall have power to appoint, from citizens of  
3 the United States other than members of the board, a secre-  
4 tary and a treasurer, to hold their offices during the pleasure  
5 of the board, and removable at their pleasure, and others to  
6 be appointed in their places, and to fix their compensations.  
7 And the secretary and treasurer only shall receive pecuniary  
8 compensation for their services, and those of the members of  
9 the board of trustees shall be gratuitous. And the offices of  
10 secretary and treasurer may, at the discretion of the board of  
11 trustees, be held by the same person. The secretary and  
12 treasurer shall be sworn to the faithful discharge of the du-  
13 ties of their respective offices; and the treasurer shall  
14 give bond, with the penalty of fifty thousand dollars, with  
15 sureties to the satisfaction of the Secretary of the Treas-  
16 ury, for the safe custody and faithful application of all the  
17 funds of the institution which may come to his hands or be  
18 at his disposal.

1        SEC. 3. *And be it further enacted,* That the sum of  
2                                placed in the Treasury of the United States  
3    on the                        day of                        as the proceeds, in  
4    part, of the bequest of James Smithson to the United States,  
5    together with all sums which may hereafter be realized, shall  
6    be passed hereafter to the credit of a fund to be denominated  
7    the Smithsonian fund, in the Treasury of the United States.

8 And the faith of the United States is hereby pledged for the  
 9 preservation of the said fund undiminished and unimpaired,  
 10 to bear interest at the rate of six per cent. a year, payable on  
 11 the first days of January and July to the treasurer of the  
 12 board of trustees of the Smithsonian fund, to be applied to  
 13 to the purposes of the fund, conformably to the laws, and  
 14 subject to the revision and regulations of the board of trustees.

1 SEC. 4. *And be it further enacted*, That no part of the  
 2 said Smithsonian fund, principal or interest, shall be applied  
 3 to any school, college, university, institute of education, or  
 4 ecclesiastical establishment.

1 SEC. 5. *And be it further enacted*, That the appropria-  
 2 tions to be made from time to time by Congress, to the pur-  
 3 poses of the Smithsonian institution, as declared by the testa-  
 4 tor, shall be exclusively from the accruing interest, and not  
 5 from the principal, of the said fund: *Provided*, That Con-  
 6 gress shall retain the power of investing, at their discretion,  
 7 the principal of said fund in any other manner so as to secure  
 8 not less than a yearly interest of six per cent.

1 SEC. 6. *And be it further enacted*, That the sum of  
 2 thirty thousand dollars, part of the first year's interest accru-  
 3 ing on the said Smithsonian fund, be, and the same is here-  
 4 by, appropriated towards the erection and establishment, at  
 5 the city of Washington, of an astronomical observatory, adap-  
 6 ted to the most effective and continual observations of the

7 phenomena of the heavens; to be provided with the neces-  
8 sary best and most perfect instruments and books for the  
9 periodical publication of the said observations, and for the  
10 annual composition and publication of a nautical almanac.

1       SEC. 7. *And be it further enacted*, That the said observa-  
2 tory shall be erected under the direction of the Secretary of  
3 the Treasury, subject to the approbation of the President of  
4 the United States. And the site for the same shall be se-  
5 lected upon land, in the city of Washington, belonging to the  
6 United States; and the land necessary for the same, and for  
7 any other buildings proper to be connected with the said  
8 observatory and the appurtenances thereof, is hereby grant-  
9 ed and shall be duly conveyed as a deed of gift to the trus-  
10 tees of the Smithsonian fund, and to their successors forever,  
11 in aid of the purposes of the said institution.

1       SEC. 8. *And be it further enacted*, That all expenditures  
2 made by the said board shall be subject to the approval of  
3 the President of the United States; and all the accounts  
4 thereof shall be reported to the Secretary of the Treasury,  
5 and audited, under his direction, by the proper officers of the  
6 Treasury Department; and the said board shall report to  
7 Congress, at every session thereof, the state of the Smith-  
8 sonian fund, and a full statement of their receipts and expen-  
9 ditures during the preceding year.

1       SEC. 9. *And be it further enacted*, That the first meet-

2 ing of the trustees of the Smithsonian fund shall be held at  
3 the city of Washington on the third Monday of January next;  
4 and that, in the mean time, the custody of the said fund and  
5 the expenditures under the appropriation herein made, shall  
6 be held and authorized by the Secretary of the Treasury,  
7 subject to the approbation of the President of the United  
8 States.

H. R. 1160

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